THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 21651 of 2002

DATED: 31-01-2007

Between:

Livewell Home Finance Limited, Office at 1st Floor, Sahara Manzil, Opp: A.P. Secretariat, Hyderabad, Regd.Office at 94, Minerva Complex, S.D.Road, Secunderabad, represented by its Recovery Officer, I. Srinivas.

...Petitioner.

and

The Commissioner of Police, Hyderabad and others.

...Respondents.

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ORDER:

Alleging interference by the respondents and their officials into the day-to-day business of the petitioner without any authority of law, the writ petition is filed.

The petitioner is a Housing Finance Company advancing loans for the purpose of purchase/construction of houses or flats. The 3rd respondent availed a housing loan from the previous management of the petitioner-Company for the purchase of a flat bearing No.309, R.K.S. Apartments, Hyderguda in the year 1997 and had repaid the total loan amount to the previous management itself. The present management took over the petitioner-Company on 24-08-2002 and is unaware of the transaction between the 3rd respondent and the previous management.

According to the petitioner, the 3rd respondent is insisting the officials of the petitioner to deliver the documents allegedly submitted by the 3rd respondent to the previous management of the Company. No such documents are available with the petitioner. On the complaint of the 3rd respondent, the 2nd respondent is interfering with the personal liberty of the officials of the petitioner-Company without authority of law and without instituting and registering any complaint. It is alleged by the petitioner that its officials are being called by the 2nd respondent every day for no apparent reason. The writ petition is filed on the above allegations seeking appropriate relief.

The 2nd respondent has filed a counter-affidavit

denying specifically all the allegations in the writ petition. The answering respondent states that the officials of the petitioner-Company were neither called to the Police Station nor was the respondent was interfering with the personal liberty of the officials of the Company.

This counter-affidavit was filed on 06-11-2002. No rebuttal to the averments in the counter-affidavit is on record.

In the circumstances and in the context of the specific denial of the allegations in the writ petition, which have not been rebutted, no case is made out for proceeding further.

The writ petition is accordingly dismissed. No costs.

Interim order dated 30-10-2002 stands dissolved.

(GODA RAGHURAM, J)

31st January, 2007.
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